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Claims 24, 26 and 34 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 23-27, 29-32 and 35 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Showalter '566. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

Initially, the Applicant thanks the Examiner for indicating that claims 28, 33, 36 and 39-44 are objected to as dependent from a rejected base claim, but that those claims would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. The Examiner further indicates that claim 34 would be likewise allowable if rewritten in independent form and amended to overcome the rejection under 35 U.S.C. § 112. The Applicant thanks the Examiner for the finding of allowable subject matter in the claims.

In response, as discussed below, it is the Applicant's position that claim 23, as well as the claims which depend therefrom, are fully and patentably distinguished over and from the cited prior art and are thereby allowable over the cited prior art. Notwithstanding such belief, in accordance with this indication, claims 33 and 43 are both now amended to be independent claims and both of those independent claims are now believed to be allowable. As claim 34 depends from amended independent claim 33 and as claim 44 depends from amended independent claim 43, both of those dependent claims are also believed to be allowable as well.

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Claims 24-27, 29-32 and 35 all, directly or indirectly, dependent from claim 23 and thereby incorporate all recitations and limitations of claim 23. Therefore considering the present invention as recited in claim 23, and thereby in dependent claims 24-27, 29-32 and 35, the automatic transmission of the present invention includes one drive shaft (7), one driven shaft on an axis different than the drive shaft (7), one planetary gear that is co-axial to the drive shaft (7) and that has at least one planetary gear set (14), and at least one switch element (10) for the selective transmission of an input rotational speed of the drive shaft (7) to an output element of the planetary gear. The transmission further includes a chain drive (18) having constant ratio that has a driven wheel (22) that is operatively connected with a driven shaft via a constant ratio and a drive wheel (19) that is situated co-axially to the drive shaft (7) and is connected with the output element of the planetary gear.

According to the present invention, the chain drive (18) directly axially abuts with a transmission housing wall (2) and the drive wheel (19) of the chain drive (18) at least partially radially overlaps the switch element (10), in the axial direction, wherein the switch element (10) directly axially abuts the drive wheel (18) on a side of the drive wheel (18) that is remote from the transmission housing wall (2).

Now considering Showalter '566 in comparison to the present invention as recited in claim 23, Showalter '566 discloses a two-speed planetary gear assembly of a 4WD transmission having a separate transfer housing mounted to the transmission housing; a planetary gear set arranged co-axially with a transmission output shaft, wherein a ring gear (104) of the planetary gear set is fixed to the housing and wherein a sun gear (90) of the planetary gear set is fixed to the transmission output shaft; a first chain drive, wherein a drive wheel (70) of the chain drive is arranged co-axially to the planetary gear set and co-axially to the transmission output shaft (62), and wherein the drive wheel could be connected to the sun gear (90) or to a planet carrier (110) of the planetary gear set by shifting a jaw clutching claw

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clutch (120) which is arranged axially completely between the planetary gear set and the drive wheel of the first chain drive, and a bevel gear set working as a differential gear, wherein a differential case of the bevel gear set is connected to a drive wheel of the first chain drive, and wherein one of both bevel gears of the bevel gear set is building a first output shaft connected to a first cardan shaft belonging to a vehicular rear axle, and wherein the other bevel gear of the bevel gear set is connected to a drive wheel of a second chain drive, and wherein a driven wheel of the second chain drive is building a second output shaft connected to a second cardan shaft belonging to a vehicular front axle.

It is, therefore, apparent that there are significant differences in structure operation between Showalter '566 and the transmission of the present invention but that, in so far as Showalter '566 has any components occupying positions analogous in any way to the drive wheel (18) and switch element (10) of the present invention, those elements are a claw clutch (120) and a drive wheel (70) of the first chain drive of the Showalter '566 transmission.

It is also apparent, however, that Showalter '566 does not in any way teach, suggest or disclose that claw clutch (120) should be located at least partially inside a space defined and formed by the drive wheel (70) of the first chain drive. According to the present invention, however, in fundamental contrast and distinction from Showalter '566 and as explicitly recited in claim 23, the drive wheel (19) of the chain drive (18) at least partially radially overlaps the switch element (10). That is, the switch element (10) is located at least partially inside the space defined and formed by the drive wheel (19) of the chain drive (18). As described in the specification, this arrangement is not only a significant and fundamental difference from the arrangements in the Showalter '566 transmission, but is a significant aspect of the transmission, according to the present invention, by reducing the axial dimensions of the transmission of the present invention.

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It is, therefore, the Applicant's position that claim 23 is fully and patentably distinguished over and from the teachings and suggestions of Showalter '566 under the requirements and provisions of either 35 U.S.C. § 102 and/or 35 U.S.C. § 103. It is further the Applicant's position that claims 24-27, 29-32 and 35 are fully and patentably distinguished over and from the teachings and suggestions of Showalter '566 under the requirements and provisions of either 35 U.S.C. § 102 and/or 35 U.S.C. § 103 through at least the incorporation, by dependency therein, of the recitations and the limitations of claim 23. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw all rejections of claims 23-27, 29-32 and 35 over Showalter '566, and allow claims 23-27, 29-32 and 35.

Next, claim 37 is rejected, under 35 U.S.C. § 103(a), over Showalter '566 in view of Kobayashi '161. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Claim 37 is dependent from claim 31, which is dependent from claim 23 so that claim 37 incorporates all of the recitations and the limitations of claim 23 by dependency therefrom. Claim 37, therefore, recites the essential limitations of claim 23 and, in particular, that the switch element (10) is located at least partially inside the space defined and formed by the drive wheel (19) of chain drive (18), together with the recitation of claim 37 that an oil pump (9) of the automatic transmission is integrated into a stator shaft (8). Claim 37 is therefore fully and patentably distinguished over and from the teachings of Showalter '566, under the requirements and provisions of 35 U.S.C. § 103, for at least the same reasons that claim 23 is patentably distinguished over and from Showalter '566. That is, by the recitation that the switch element (10) is located at least partially inside the space defined and formed by the drive wheel (19) of the chain drive (18).

Now considering Kobayashi '161, this reference describes a transmission having an oil pump (10), a transmission housing (11), a transmission front cover plate (8) arranged between

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the transmission housing (11) and a converter bell housing (1) wherein the transmission front cover plate is part of an oil pump housing and a stator shaft (9) is structurally and functionally a separate element that is fixed to the transmission front cover plate by screws. Kobayashi '161, therefore, explicitly teaches that the stator shaft and the pump housing should be structurally and functionally separate elements.

In fundamental contrast from Kobayashi '161, claim 37 recites that the oil pump (9) and the stator shaft (8) of the transmission of the present invention are integrated into and comprise a single structural and functional element. It is therefore apparent that Kobayashi '161 does not teach, suggest or disclose the recitations of claim 37 itself, so that the combination of Showalter '566 in view of Kobayashi '161 does not and cannot teach or suggest the recitations and limitations of claim 37, under the requirements and provisions of either 35 U.S.C. § 102 and/or 35 U.S.C. § 103. The Applicant, therefore, respectfully requests that the Examiner reconsider and withdraw the rejection of claim 37 over Showalter '566 in view of Kobayashi '161 and allow claim 37.

Finally, claim 38 is rejected, under 35 U.S.C. § 103(a), over Showalter '566 in view of Batchelor '713. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the above amendments and the following remarks.

Claim 38, like claim 37, depends from claim 23 and thus incorporates the recitation and limitation that the switch element (10) being located at least partially inside the space defined and formed by the drive wheel (19) of the chain drive (18). Claim 38 additionally recites that the chain drive is lubricated by a spray pipe by which a lubricant is sprayed upon an inner side of one chain of the chain drive.

The teachings of Batchelor '713 may therefore have some limited relevance to claim 38, even though Batchelor '713 is related to a conveyor rather than to a transmission, because Batchelor '713 describes a method for lubricating a chain conveyor by a spray pipe spraying

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a foaming lubricant on the conveyor. Batchelor '713 does not in any way teach, suggest or disclose, however, a transmission is which a switch element (10) is located at least partially inside the space defined and formed by a drive wheel (19) of a chain drive (18). It is therefore apparent that claim 38 is fully and patentably distinguished over and from the teachings of Showalter '566 under the requirements and provisions of 35 U.S.C. § 103, and thus over the teachings of Showalter '566 and Batchelor '713, for at least the same reasons that claims 23 and 37 are patentably distinguished over and from Showalter '566. That is, by the recitation that the switch element (10) being located at least partially inside the space defined and formed by the drive wheel (19) of the chain drive (18). The Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of claim 38, in view of Showalter '566 and Batchelor '713, and allow claim 38.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Showalter '566, Kobayashi '161 and/or Batchelor '713 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

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In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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